

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Redevelopment Authority in accordance with the provisions of Section 11(d) of the Housing and Urban Renewal Law, Chapter 121B of the General Laws of Massachusetts (Ter. Ed.), has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by General Laws (Ter. Ed.) Chapter 79, Section 40; and

WHEREAS, the Cooperation Agreement between the Boston Redevelopment Authority and City of Boston for the CBD-School-Franklin Urban Renewal Project, dated December 31, 1968, provides that the City will consent to the taking by the Authority of any real property or rights therein owned by the City which is subject to acquisition by the Authority pursuant to Section 401 of the CBD-School-Franklin Urban Renewal Plan; and

WHEREAS, said CBD-School-Franklin Urban Renewal Plan provided for the acquisition of certain property known as Historic Boston City Hall, described in "Annex A" attached hereto; and

WHEREAS, pursuant to said agreement of the City of Boston to consent to said taking, the Mayor of the City of Boston on behalf of said City has consented to this Order of Taking;

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said Housing and Urban Renewal Law, and without limiting the generality of the foregoing, of Section 11(d) of General Laws (Ter. Ed.), Chapter 121B, and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws (Ter. Ed.), Chapter 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in "Annex A" together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, Chapter 79, Section 6, as amended,

awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons including all mortgagees of record having any and all interest in each parcel described in "Annex A" and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in "Annex B,"

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED:

BOSTON REDEVELOPMENT AUTHORITY

BY:

(SEAL)

ATTEST:

Secretary of the Boston
Redevelopment Authority

APPROVED AS TO FORM: _____

General Counsel
Boston Redevelopment
Authority

The CITY OF BOSTON hereby con-
sents to the Taking Order herein-
above set forth and agrees to
accept the award contained in
Annex B as payment in full for
any damages by reason of the
taking hereby made.

BY: ITS MAYOR

KEVIN H. WHITE

ATTEST:

City Clerk

APPROVED AS TO FORM:

Corporation Counsel

ANNEX A

Description of Premises

All of that parcel of land in the City of Boston, Suffolk County, The Commonwealth of Massachusetts, known as Historic Boston City Hall, and more particularly shown on a plan by Fred R. Joyce, Surveyor, Belmont, Mass., dated February 26, 1970, and bounded and described as follows:

Beginning at a point on the Northerly sideline of School Street, this point being East one hundred thirty-three and four one-hundredths feet (133.04) from the Easterly sideline of Tremont Street and along the Northerly sideline of School Street. Then running North $27^{\circ} - 31' - 00''$ East by the King's Chapel Burying Ground one hundred ninety-two and fifty one-hundredths feet (192.50) to a point, this point being on the Southerly sideline of the Kimball Building. Then turning and running South $57^{\circ} - 33' - 00''$ East along the Southerly property line of the Kimball Building, eight and fifteen one-hundredths feet (8.15) to a point, this point being the most South-westerly sideline angle of Court Square. Then turning and running more Easterly South $62^{\circ} - 34' - 30''$ East along the Southerly sideline of Court Square one hundred thirty-eight and twenty-five one-hundredths feet (138.25) to a point, this point now being on the Westerly sideline of City Hall Avenue. Then turning and running South $27^{\circ} - 29' - 27''$ West along the

Westerly sideline of City Hall Avenue, one hundred sixty-nine and ninety-two one-hundredths feet (169.92) to a point, this point now being on the Northerly sideline of School Street. Then turning and running North $71^{\circ} - 03' - 52''$ West along the Northerly sideline of School Street one hundred forty-eight and ten one-hundredths feet (148.10) to the point of beginning.

This parcel of land contains 26,481 square feet.

ANNEX B

The award for damages is in the amount of \$1, provided, however, that in the event that the fair market value of the property being taken is not approved as a local grant-in-aid by the federal government for the purpose of being applied in reduction of the City of Boston's one-third share of the net project costs of the CBD-School-Franklin Urban Renewal Project, said City reserves the right then to seek additional damages, but only to the extent and amount that funds for the specific purpose of reimbursing said City for the fair market value of Old City Hall are furnished by the federal government to the Boston Redevelopment Authority.